

Senate File 107 - Introduced

SENATE FILE 107

BY SCHULTZ

A BILL FOR

1 An Act relating to the elimination of the requirement for the
2 posting of signs or symbols under the smokefree air Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 142D.5, subsection 2, Code 2017, is
2 amended to read as follows:

3 2. Smoking shall be prohibited in any location of an area
4 declared a nonsmoking place under [this section](#) ~~if a sign is~~
5 ~~posted conforming to the provisions of [section 142D.6](#).~~

6 Sec. 2. Section 142D.6, Code 2017, is amended to read as
7 follows:

8 **142D.6 Notice of nonsmoking requirements — ~~posting of signs.~~**

9 1. Notice of the provisions of [this chapter](#) shall be
10 provided to all applicants for a business license in this
11 state, to all law enforcement agencies, and to any business
12 required to be registered with the office of the secretary of
13 state.

14 2. All employers subject to the prohibitions of this
15 chapter shall communicate to all existing employees and to
16 all prospective employees upon application for employment the
17 smoking prohibitions prescribed in [this chapter](#).

18 ~~3. The owner, operator, manager, or other person having~~
19 ~~custody or control of a public place, place of employment,~~
20 ~~area declared a nonsmoking place pursuant to [section 142D.5](#),~~
21 ~~or outdoor area where smoking is prohibited under this~~
22 ~~chapter shall clearly and conspicuously post in and at every~~
23 ~~entrance to the public place, place of employment, area~~
24 ~~declared a nonsmoking place pursuant to [section 142D.5](#), or~~
25 ~~outdoor area, "no smoking" signs or the international "no~~
26 ~~smoking" symbol. Additionally, a "no smoking" sign or the~~
27 ~~international "no smoking" symbol shall be placed in every~~
28 ~~vehicle that constitutes a public place, place of employment,~~
29 ~~or area declared a nonsmoking place pursuant to [section 142D.5](#)~~
30 ~~under [this chapter](#), visible from the exterior of the vehicle.~~
31 ~~All signs shall contain the telephone number for reporting~~
32 ~~complaints and the internet site of the department of public~~
33 ~~health. The owner, operator, manager, or other person having~~
34 ~~custody or control of the public place, place of employment,~~
35 ~~area declared a nonsmoking place pursuant to [section 142D.5](#),~~

1 ~~or outdoor area may use the sample signs provided on the~~
 2 ~~department of public health's internet site, or may use another~~
 3 ~~sign if the contents of the sign comply with the requirements~~
 4 ~~of this subsection.~~

5 4. The owner, operator, manager, or other person having
 6 custody or control of a public place, place of employment,
 7 area declared a nonsmoking place pursuant to [section 142D.5](#),
 8 or outdoor area where smoking is prohibited under [this chapter](#)
 9 shall remove all ashtrays from these locations.

10 Sec. 3. Section 142D.8, subsection 1, Code 2017, is amended
 11 to read as follows:

12 1. [This chapter](#) shall be enforced by the department of
 13 public health or the department's designee. The department of
 14 public health shall adopt rules to administer [this chapter](#),
 15 including rules regarding enforcement. The department
 16 of public health shall provide information regarding the
 17 provisions of [this chapter](#) and related compliance issues to
 18 employers, owners, operators, managers, and other persons
 19 having custody or control of a public place, place of
 20 employment, area declared a nonsmoking place pursuant to
 21 section 142D.5, or outdoor area where smoking is prohibited,
 22 and the general public via the department's internet site. The
 23 internet site shall include ~~sample signage and~~ the telephone
 24 number for reporting complaints. Judicial magistrates shall
 25 hear and determine violations of [this chapter](#).

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
 28 the explanation's substance by the members of the general assembly.

29 This bill eliminates the required posting by the owner,
 30 operator, manager, or other person having custody or control
 31 of a public place, place of employment, area declared a
 32 nonsmoking place pursuant to Code section 142D.5, or outdoor
 33 area where smoking is prohibited under the smokefree air Act
 34 (Code chapter 142D) of no smoking signs or the international no
 35 smoking symbol at every entrance to the public place, place of

1 employment, area declared a nonsmoking place, or outdoor area.
2 Additionally, the bill eliminates the required placing of a
3 no smoking sign or symbol in every vehicle that constitutes
4 a public place, place of employment, or area declared a
5 nonsmoking place. The bill also makes conforming changes in
6 the smokefree air Act to eliminate references to the required
7 posting or placing of the signs or symbols.